

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 9, 2001

LB 114

alcohol will be sent into an establishment, a licensed establishment, which sells alcohol and attempt to make a purchase. If the purveyor of the alcoholic liquor makes the sale, then a violation of the law has occurred, generally speaking. There might be some mitigating circumstances in some cases, but this basically is what happens. I am looking at the thrust of this bill, and as I've said, I think it's very hypocritical because it is taking the approach that alcohol should not be touched by a minor. A minor should not stand near alcohol and display any signs observed by somebody, without telling us what those signs are, without telling us who is going to make the observation. And based on such an observation of these so-called signs, a juvenile can be taken into custody, a minor, that is. What I am doing with my amendment is to add some language relative to these youngsters who are going to be put into a position to have some dealings with those who are enforcing the liquor laws. This is the language that I would add. At page 1, after line 13, "unless a person is an emancipated minor at least 18 years of age, no person under 21 years of age shall be authorized to participate or assist...it should be participate in or assist law enforcement officers in such compliance checks without the written consent of his or her parents or legal guardian". I guess that second word, "in" does not have to be inserted because we find it farther down in the amendment. I don't believe that law enforcement people should be free to approach minors and prevail on them to participate in these sting operations. There are ways that a minor can be coerced. Maybe a minor has committed some minor infraction. And when I say minor in that sense, not based on age but one that is not very serious. And the child might be told, if you help us in some of these sting operations, we won't prosecute these charges against you. Or if you are under charges for having violated some aspect of the Nebraska Liquor Control Act, those charges will not be carried through in your case, if you will help us set up a sting operation. Rather than give law enforcement that wide open field, I want to put some protections into the law for the minor. In addition to the notion of protection of minors, I think it's good policy before any young person is impressed into service, or pressed into service, by law enforcement, there should be involvement of that young person's parents or legal guardian. That is the rationale